

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

JOHN NOAKES

PLAINTIFF,

v.

THE UNIVERSITY OF CINCINNATI, ET
AL

DEFENDANTS

Case No.

Judge:

ENTRY RE:

MOTION FOR EXPEDITED
DISCOVERY

This matter came before the Court on the Motion of Plaintiff John Noakes for limited expedited discovery in anticipation of a hearing on the Motion for a Preliminary Injunction.

For good cause shown, the Motion is GRANTED.

Expedited discovery is appropriate to allow Plaintiff to obtain information in the possession of Defendants to present to the Court in support of the Motion for a Preliminary Injunction. *See e.g Russell v. Lumpkin*, S.D.Ohio No. 2:10-cv-00314, 2010 U.S. Dist. LEXIS 55243, at *5 (May 11, 2010) (“the requested discovery is limited and narrowly tailored to the issue central to Plaintiffs’ requested injunctive relief”); *Doe v. The Ohio State University*, S.D. Ohio No. 2:15-cv-02830 (Oct. 16, 2015) (Docket# 19; Opinion And Order Granting Motion To Expedite Discovery (Frost, J.)); *Doe v. University of Cincinnati*, S.D. Ohio No. 1:16-cv-00987 (Oct. 28, 2016) (Minute Entry; “ordering that defendants provide the recording/transcript of the disciplinary hearing at issue in this matter” (Barrett., J.))

The University of Cincinnati shall, within seven days, prepare and produce the following: (i) a transcript and copy of any recordings of the disciplinary/appeal hearings for John Noakes; and (ii) the investigative file and correspondence regarding the disciplinary investigation and proceedings for John Noakes; (iii) any communications and contracts between UC and TNG Consulting regarding the

disciplinary investigation and proceedings for John Noakes; (iv) any communications and contracts between UC and INCompliance Consulting regarding the disciplinary investigation and proceedings for John Noakes; and (v) all materials used to train the decision-makers the disciplinary investigation and proceedings for John Noakes that were not available on the UC website as required by 34 C.F.R. 106.45(b)(10)(i). The parties may also take no more than five depositions by videoconference.

Should this Order require UC to produce information protected from disclosure by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, UC shall comply by redacting the Personally Identifiable Information (as that term is defined in 34 CFR § 99.3) of students. If redaction of Personally Identifiable Information is not practicable or adequate, the parties shall present the Court with a proposed Protective Order and UC shall immediately notify the affected student of the request for the production of the Protected Material as required by 34 CFR § 99.31(a)(9)(ii).

SO ORDERED.

JUDGE
UNITED STATES DISTRICT COURT